

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MATTHEW LYNCH,

Plaintiff,

v.

OFFICER HALE, et al,

Defendants.

Civil Action No. 18-5398 (RBK) (KMW)

MEMORANDUM OPINION

ROBERT B. KUGLER, U.S.D.J.

Plaintiff Matthew Lynch., an inmate confined at Atlantic County Justice Facility, New Jersey, seeks to bring this civil action *in forma pauperis*, without prepayment of fees or security, asserting claims pursuant to 42 U.S.C. § 1983. The Prison Litigation Reform Act of 1995 (the “Act”), which amends 28 U.S.C. § 1915, establishes certain financial requirements for prisoners who are attempting to bring a civil action *in forma pauperis*.

Plaintiff submitted an account statement that has not been certified by an appropriate prison official as required by 28 U.S.C. § 1915(a)(2). Moreover, Plaintiff’s application indicates that his inmate account routinely exceeds \$200. In the past 6 months, he has received \$1,000 in deposits and has spent over \$100 at the commissary on multiple occasions.

IFP status is a privilege, not a right. *Shahin v. Sec. of Del.*, 532 F. App’x 123 (3d Cir. 2013) (per curiam) (citing *White v. Colo.*, 157 F.3d 1226, 1233 (10th Cir. 1998)). “In determining whether a litigant is eligible for IFP status, the Court should consider the financial position of the party.” *Id.* (affirming denial of IFP in spite of monthly income of only \$95 from self-employment as plaintiff would not be deprived of “necessities of life”).

Here, Plaintiff's income as reflected by the account statement indicates he is able to afford the \$350 filing fee and \$50 administrative fee. Requiring him to pay the filing fee would not deprive him of the necessities of life as the prison provides his food, clothing, and shelter. Like the plaintiff in *Shahin*, Plaintiff may have to save in order to pay the filing fee, but such requirement "would not deprive [him] of the 'necessities of life.'" 532 F. App'x at 124. The Court will therefore deny the application to proceed *in forma pauperis*.

An appropriate order follows.

Dated: April 11th, 2018

s/Robert B. Kugler
ROBERT B. KUGLER
U.S. District Judge